IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

Bail Appl..No. 595 of 2007()

CRIME NO.102/06 OF KANJIRAMKULAM POLICE STATION

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: PETITIONERS/ACCUSED 1 TO 3

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1. DANYAL, AGE 43, S/O.RAJAYYAN,
VALIYAVILA VADAKKUMMURI VEEDU, KARAKULAM DESOM,
KARAKULAM VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM.

2. VIJAYAN, S/O.SELVANOSE,
V.R.BHAVAN, KARAKULAM VILLAGE,
NEYYATTINKARA, THIRUVANNATHAPURAM.

3. NIXON, SANAL NIVAS,
PIATUVILA, KOTTUKAL VILLAGE,
NEYYATTINKARA, THIRUVANANTHAPURAM.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING SUB INSPECTOR OF POLICE,
KANJIRAMKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE
ADV.SRI.R.T.PRADEEP(FOR DE FACTO COMPLAINANT)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 595 OF 2007

Dated this the 6th day of February, 2007

O R D E R

The petitioners, who are accused Nos.1 to 3 in Crime No.102/2006 of Kanjiramjulam Police Station for offences punishable under Sections 467 and 468 read with section 34 I.P.C., seek anticipatory bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting, inter alia, that the petitioners had defrauded the de facto complainant, a lady. Sri.R.T.Pradeep, appearing for the de facto complainant, also opposed the application.

3. It is too early to accept the petitioners' contention that the allegations against them are false. Anticipatory bail cannot be granted in a case of this nature. I am, therefore, not inclined to grant anticipatory bail to the petitioners. But, I am inclined to permit the petitioners to surrender before the Investigating Officer for the purpose of custodial interrogation and then to have their application for regular bail ordered by the Magistrate. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 7.2.2007 and 9.2.2007 for the purpose of custodial interrogation and recovery of

incriminating materials, if any. The petitioners shall, thereafter, be produced before the Magistrate concerned on the same day, who shall release the petitioners on bail on being satisfied that they have been interrogated by the Investigating Officer and on such conditions which he may deem fit.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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